

# *Supreme Court*

## *2005 Annual Caseload*

### *Report*

#### **Table of Contents**

Glossary	<a href="#">2-3</a>
Court Activity by Source of Review, 2005	<a href="#">4</a>
Court Activity, Cases from Trial Courts, 2005	<a href="#">5</a>
Court Activity, Cases from Court of Appeals, 2005	<a href="#">6</a>
Court Activity, Original Actions and Federal Court, 2005	<a href="#">7</a>
Court Activity, Cases from WSBA and Commission on Judicial Conduct, 2005	<a href="#">8</a>
History of Filings, 2001-2005	<a href="#">9</a>
History of Resolutions, 2001-2005	<a href="#">10</a>
History of Pending Cases, 2001-2005	<a href="#">11</a>
Court Activity Trends, All Reviews, 2001-2005	<a href="#">12</a>
Court Activity Trends, Cases from Trial Courts, 2001-2005	<a href="#">13</a>
Court Activity Trends, Cases from Court of Appeals, 2001-2005	<a href="#">14</a>
Court Activity Trends, Original Actions, 2001-2005	<a href="#">15</a>
Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2001-2005	<a href="#">16</a>

# Supreme Court Glossary

This glossary is included to assist in understanding the statistical tables.

## Filings

**Notice Of Appeal** - A review of a trial court decision in these select circumstances: review is authorized statutorily; an issue of constitutionality is involved; conflicting appellate decisions are at issue; questions of public importance are raised; or, the death penalty was decreed. Notices of appeal directly following a judgment in a superior court as a matter of right must be filed within 30 days. Notices of appeal are categorized into criminal and civil appeals.

Cases opened on notice of appeal can reach the Supreme Court by these means: direct appeal from trial court; certification by the Court of Appeals; granting of a motion to transfer an appeal from the Court of Appeals; or an administrative transfer initiated by the Supreme Court to relieve pressure on the Court of Appeals or because a similar case is already being heard by the Supreme Court.

**Petitions For Review** - A review of any Court of Appeals' decision terminating review. The Supreme Court only accepts reviews of decisions that conflict with other Supreme Court or Court of Appeals' decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest..." (Rules of Appellate Procedure (RAP) 13.4).

**Other Reviews** - The five following categories are grouped under the title "Other Reviews": personal restraint petitions, discretionary reviews, original actions against state officers, petitions for expenditures of public funds, and reviews certified from federal court.

**Personal Restraint Petition** - A petition to seek relief from limitations on a person's freedom due to current or imminent confinement. The Supreme Court normally exercises its jurisdiction over such petitions by transferring them to the Court of Appeals (RAP 16.5).

**Discretionary Review** - A review of interlocutory orders of the superior court. Reviews made prior to a final determination of the case, in which a party argues that the trial court has committed an error pursuant to RAP 2.3(b). Discretionary reviews are in the purview of the Supreme Court under most of the same conditions that apply for notices of appeal. The Supreme Court may be requested by motion for discretionary review, to review interlocutory Court of Appeals' decisions, and decisions on personal restraint petitions.

**Actions Against State Officers** - Both the Supreme Court and the superior courts have concurrent original jurisdiction over a petition against a state officer in the nature of quo warranto, prohibition, and mandamus (RAP 16.2), generally preventing a continued exercise of authority unlawfully asserted.

**Petitions For Expenditures Of Public Funds** - Petitions for expenditure from the indigent defense fund (RAP 15.2).

**Certified From Federal Court** - Reviews certified to determine a question of state law which does not involve a question determined by reference to the United States Constitution (RAP 16.16).

## Dispositions

Cases are considered officially disposed in the Supreme Court as soon as a decision terminating review is filed with the Supreme Court Clerk.

**Opinions** - Those cases which were reviewed by the Court and had an opinion written.

**Motion On The Merits** - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

**Dismissed** - An order, issued by the Court, dismissing the review prior to a determination of the merits. The commissioner or clerk may dismiss a review for failure to comply with procedures. The Court, on motion of a party, may dismiss a review if the review is frivolous, moot, or solely for the purpose of delay. Also, the Court may dismiss reviews for want of prosecution or for failure to comply with procedures (RAP 18.9).

**Transferred To Court Of Appeals** - To promote the orderly administration of justice, the Supreme Court may, on its own initiative or on motion of a party, transfer a case to the Court of Appeals.

**Review Not Accepted** - Reviews disposed through this manner are not accepted because they fail to meet the requirements of review stated in Rule 2 and Rule 13 of the Rules of Appellate Procedure. These requirements are summarized in the above glossary definitions for each review type.

**Terminated** - An order issued by the Court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review.

## Pending

**Case Stayed** - Those cases temporarily arrested or removed from judicial processing by order of the Court.

**Ready For Setting** - Those cases within the stages of perfection which have at minimum had the briefs filed but have yet to be set on the Court calendar for review.

**Not Ready For Setting** - Those cases within the stages of perfection which are ready for consideration but have yet to file further pleadings.

**Set For Motion On The Merits** - Those cases which have been set on the motion on the merits calendar (RAP 18.14).

**Set For Oral Argument** - Those cases which have progressed to the point at which all briefs were filed and served and have been set for review.

**Opinion/Order In Process** - Those cases which have been reviewed by the Court but have yet to receive a decision.

## Mandated

A decision is mandated by the Clerk of the Supreme Court with a written notification of the Court's decision to the originating court and the parties involved.

The Supreme Court  
Court Activity by Source of Review, 2005

	Trial Courts	Court of Appeals	Original Actions	WSBA <sup>4</sup> /CJC	Certified Issues	TOTAL
<b>FILINGS</b>						
Total Filings	132	1,364	164	117	2	1,779
<b>RESOLUTIONS<sup>1</sup></b>						
Total Opinions	19	106	9	8	2	144
Decided on Merits	0	0	0	0	0	0
Dismissed	0	5	1	0	0	6
Transferred/Certified	11	4	0	0	0	15
Review Not Accepted	2	3	1	0	0	6
Other	66	600	15	2	1	684
Total Orders	79	612	17	2	1	711
Decided on Merits	0	0	0	0	0	0
Dismissed	9	38	20	2	0	69
Transferred/Certified	0	6	127	0	0	133
Review Not Accepted	1	79	6	0	0	86
Other	10	443	16	0	0	469
Total Rulings	20	566	169	2	0	757
Other Decisions Term. Rvw <sup>2</sup>	0	0	0	185	0	185
Total Resolved	118	1,284	195	197	3	1,797
<b>PENDING AT YEAR END<sup>3</sup></b>						
Cases Stayed	7	51	0	N/A	0	58
Cases Ready	5	27	2	N/A	0	34
Cases Not Ready	58	602	36	N/A	0	696
Set for Motion on Merits	0	0	0	N/A	0	0
Set for Motion Calendar	0	7	0	N/A	0	7
Set for Oral Argument	0	0	0	N/A	0	0
Total Awaiting Hearing	70	687	38	N/A	0	795
Opinion/Order in Process	12	45	1	N/A	0	58
Total Pending Decision	82	732	39	N/A	0	853
<b>MANDATED</b>						
Opinions	23	109	12	8	1	153
Other	97	1,158	201	185	1	1,642
Total Mandated	120	1,267	213	193	2	1,795

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 4). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
Court Activity, Cases from Trial Courts, 2005

	-----Appeals-----			-----Discr. Review-----			Death Penalty Review	Exp Public Funds <sup>1</sup>	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total			
<b>FILINGS</b>									
Total Filings	1	51	52	9	8	17	0	63	132
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	1	16	17	1	1	2	0	0	19
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0
Transferred/Certified	2	9	11	0	0	0	0	0	11
Review Not Accepted	0	0	0	0	0	0	0	2	2
Other	2	9	11	1	0	1	0	54	66
Total Orders	4	18	22	1	0	1	0	56	79
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	8	8	0	1	1	0	0	9
Transferred/Certified	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	1	1	0	0	1
Other	0	2	2	3	5	8	0	0	10
Total Rulings	0	10	10	3	7	10	0	0	20
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0
Total Resolved	5	44	49	5	8	13	0	56	118
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	1	3	4	3	0	3	0	0	7
Cases Ready	1	3	4	0	1	1	0	0	5
Cases Not Ready	4	28	32	3	3	6	1	19	58
Set for Motion on Merits	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0	0	0	0
Set for Oral Argument	0	0	0	0	0	0	0	0	0
Total Awaiting Hearing	6	34	40	6	4	10	1	19	70
Opinion/Order in Process	1	5	6	4	0	4	2	0	12
Total Pending Decision	7	39	46	10	4	14	3	19	82
<b>MANDATED</b>									
Opinions	2	17	19	1	3	4	0	0	23
Other	4	26	30	4	6	10	0	57	97
Total Mandated	6	43	49	5	9	14	0	57	120

<sup>1</sup> Expenditure of Public Funds.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Cases from Court of Appeals, 2005

	--Petition for Review--			-- Motions for --- Discr. Review ---			Discr. Review PRP	Certifi- cations	Transfers (party motions)	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total				
<b>FILINGS</b>										
Total Filings	456	322	778	46	79	125	459	0	2	1,364
<b>RESOLUTIONS<sup>1</sup></b>										
Total Opinions	52	43	95	0	0	0	6	0	5	106
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	2	1	3	0	0	0	1	0	1	5
Transferred/Certified	2	0	2	0	0	0	2	0	0	4
Review Not Accepted	0	0	0	0	1	1	2	0	0	3
Other	348	231	579	7	8	15	6	0	0	600
Total Orders	352	232	584	7	9	16	11	0	1	612
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	3	14	17	1	1	2	19	0	0	38
Transferred/Certified	0	0	0	0	1	1	5	0	0	6
Review Not Accepted	0	0	0	4	19	23	56	0	0	79
Other	12	6	18	38	62	100	321	0	4	443
Total Rulings	15	20	35	43	83	126	401	0	4	566
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0	0
Total Resolved	419	295	714	50	92	142	418	0	10	1,284
<b>PENDING AT YEAR END<sup>2</sup></b>										
Cases Stayed	44	6	50	0	0	0	1	0	0	51
Cases Ready	16	10	26	0	1	1	0	0	0	27
Cases Not Ready	276	208	484	6	10	16	100	0	2	602
Set for Motion on Merits	0	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	2	3	5	0	0	0	2	0	0	7
Set for Oral Argument	0	0	0	0	0	0	0	0	0	0
Total Awaiting Hearing	338	227	565	6	11	17	103	0	2	687
Opinion/Order in Process	21	23	44	0	0	0	0	0	1	45
Total Pending Decision	359	250	609	6	11	17	103	0	3	732
<b>MANDATED</b>										
Opinions	51	45	96	0	0	0	7	0	6	109
Other	369	257	626	51	74	125	400	0	7	1,158
Total Mandated	420	302	722	51	74	125	407	0	13	1,267

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Original Actions and Federal Court, 2005

	Actions Against State Officers	Personal Restraints	Death Penalty PRP	Misc. Reviews	TOTAL	Certified from Federal Court
<b>FILINGS</b>						
Total Filings	11	137	0	16	164	2
<b>RESOLUTIONS<sup>1</sup></b>						
Total Opinions	2	4	1	2	9	2
Decided on Merits	0	0	0	0	0	0
Dismissed	0	1	0	0	1	0
Transferred/Certified	0	0	0	0	0	0
Review Not Accepted	0	1	0	0	1	0
Other	0	8	0	7	15	1
Total Orders	0	10	0	7	17	1
Decided on Merits	0	0	0	0	0	0
Dismissed	2	17	0	1	20	0
Transferred/Certified	1	126	0	0	127	0
Review Not Accepted	0	6	0	0	6	0
Other	3	13	0	0	16	0
Total Rulings	6	162	0	1	169	0
Other Decisions Term. Rvw	0	0	0	0	0	0
Total Resolved	8	176	1	10	195	3
<b>PENDING AT YEAR END<sup>2</sup></b>						
Cases Stayed	0	0	0	0	0	0
Cases Ready	0	1	1	0	2	0
Cases Not Ready	4	24	0	8	36	0
Set for Motion on Merits	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0
Set for Oral Argument	0	0	0	0	0	0
Total Awaiting Hearing	4	25	1	8	38	0
Opinion/Order in Process	0	0	0	1	1	0
Total Pending Decision	4	25	1	9	39	0
<b>MANDATED</b>						
Opinions	3	5	2	2	12	1
Other	5	187	0	9	201	1
Total Mandated	8	192	2	11	213	2

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Cases from WSBA and Commission on Judicial Conduct<sup>1</sup>, 2005

	----- Washington State Bar Association -----						-Comm. on Judicial Conduct-				
	Admissn	Admissn	Discpl	Discpl	Discpl	Discpl	Total	Discpl/	Discpl/	Total	
	Appeals	Petition	Appeals	Review	Show	Other <sup>3</sup>	WSBA	Disblty	Disblty	CJC	TOTAL
					Cause			Appeals	Discr.R		
<b>FILINGS</b>											
Total Filings	0	5	9	4	14	84	116	1	0	1	117
<b>RESOLUTIONS</b>											
Total Opinions	0	0	5	2	0	1	8	0	0	0	8
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	2	0	0	2	0	0	0	2
Total Orders	0	0	0	2	0	0	2	0	0	0	2
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	1	1	0	0	2	0	0	0	2
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total Rulings	0	0	1	1	0	0	2	0	0	0	2
Other Decisions Term. Rvw <sup>2</sup>	0	5	31	5	26	116	183	1	1	2	185
Total Resolved	0	5	37	10	26	117	195	1	1	2	197
<b>PENDING AT YEAR END</b>											
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED</b>											
Opinions	0	0	5	2	0	1	8	0	0	0	8
Other	0	1	32	8	26	116	183	1	1	2	185
Total Mandated	0	1	37	10	26	117	191	1	1	2	193

<sup>1</sup> As a result of recent transition to the new Appellate Court Records and Data System (ACORDS-II) and changes in resolution coding procedures in 2005, the following revisions and observations were made:

(a) Resolutions are now categorized by Opinions, Orders, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

(b) Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>2</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1(b)). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>3</sup> Includes Notice of Discipline, Stipulation and Reciprocal Discipline, Disability Inactive Status Appeal, Transfer to Disability Inactive Status, Financial and Miscellaneous Non-Discipline.

The Supreme Court  
History of Filings, 2001-2005<sup>1</sup>

	2001	2002	% Chg <sup>3</sup>	2003	% Chg <sup>3</sup>	2004	% Chg <sup>3</sup>	2005	% Chg <sup>3</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	8	5		5		8		1	
Civil Appeals	48	56		52		48		51	
Total Appeals	56	61		57		56		52	
Direct Discretionary Review	19	23		28		31		17	
Death Penalty Review	3	1		0		0		0	
Exp. Public Funds	40	61		46		64		63	
TOTAL--TRIAL COURTS	118	146	23.7%	131	-10.3%	151	15.3%	132	-12.6%
<b><u>COURT OF APPEALS</u></b>									
Criminal	373	367		427		444		456	
Civil	327	315		299		316		322	
Total Petition for Review	700	682		726		760		778	
Motion for Discr. Review	112	135		107		124		125	
Motion for Discr. Rvw of PRP <sup>2</sup>	301	280		286		321		459	
Certifications/Transfers	9	15		12		9		2	
TOTAL--COURT OF APPEALS	1,122	1,112	-0.9%	1,131	1.7%	1,214	7.3%	1,364	12.4%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT	176	125	-29.0%	129	3.2%	175	35.7%	166	-5.1%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC	241	159	-34.0%	99	-37.7%	139	40.4%	117	-15.8%
TOTAL FILED	1,657	1,542	-6.9%	1,490	-3.4%	1,679	12.7%	1,779	6.0%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court

History of Resolutions, 2001-2005<sup>1</sup>

	2001	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>
2005							
<b><u>TRIAL COURTS</u></b>							
Criminal Appeals	13	6	0	6	5		
Civil Appeals	31	57	46	52	44		
Total Appeals	44	63	46	58	49		
Direct Discretionary Review	17	34	16	34	13		
Death Penalty Review	0	0	0	1	0		
Exp. Public Funds	34	64	48	52	56		
TOTAL--TRIAL COURTS	95	161	69.5%	110	-31.7%	145	31.8%
						118	-18.6%
<b><u>COURT OF APPEALS</u></b>							
Criminal	340	329	370	406	419		
Civil	309	286	328	271	295		
Total Petition for Review	649	615	698	677	714		
Motion for Discr. Review	145	125	103	114	142		
Motion for Discr. Rvw of PRP <sup>2</sup>	271	286	275	301	418		
Certifications/Transfers	13	9	12	17	10		
TOTAL--COURT OF APPEALS	1,078	1,035	-4.0%	1,088	5.1%	1,109	1.9%
						1,284	15.8%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>							
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	443	122	-72.5%	109	-10.7%	148	35.8%
						198	33.8%
<b><u>WSBA/CJC</u></b>							
TOTAL--WSBA/CJC <sup>4</sup>	2	2	. %	64	. %	284	343.8%
						197	-30.6%
TOTAL RESOLVED	1,618	1,320	-18.4%	1,371	3.9%	1,686	23.0%
						1,797	6.6%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond. In addition, resolution information for years 2004 forward includes some old cases for which the disposed status has been retroactively determined and recorded.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Pending Cases, 2001-2005<sup>1</sup>

	2001	2002	% Chg <sup>4</sup>	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	4	1		8		11		7	
Civil Appeals	42	38		37		32		39	
Total Appeals	46	39		45		43		46	
Direct Discretionary Review	15	4		14		11		14	
Death Penalty Review	3	4		4		3		3	
Exp. Public Funds	9	7		4		13		19	
TOTAL--TRIAL COURTS	73	54	-26.0%	67	24.1%	70	4.5%	82	17.1%
<b><u>COURT OF APPEALS</u></b>									
Criminal	191	225		280		322		359	
Civil	179	206		179		223		250	
Total Petition for Review	370	431		459		545		609	
Motion for Discr. Review	15	13		24		35		17	
Motion for Discr. Rvw of PRP <sup>2</sup>	63	56		60		68		103	
Certifications/Transfers	7	5		8		7		3	
TOTAL--COURT OF APPEALS	455	505	11.0%	551	9.1%	655	18.9%	732	11.8%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT	38	42	10.5%	46	9.5%	71	54.3%	39	-45.1%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>3</sup>	N/A	N/A		N/A		N/A		N/A	
TOTAL PENDING DECISION	566	601	6.2%	664	10.5%	796	19.9%	853	7.2%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

## The Supreme Court

Court Activity Trends, All Reviews, 2001-2005<sup>1</sup>

	2001	2002	% Chg	2003	% Chg	2004	% Chg	2005	% Chg
<b>FILINGS</b>									
Total Filings	1,657	1,542	-6.9%	1,490	-3.4%	1,679	12.7%	1,779	6.0%
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	137	122		128		137		144	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		6	
Transferred/Certified	N/A	N/A		N/A		N/A		15	
Review Not Accepted	N/A	N/A		N/A		N/A		6	
Other	N/A	N/A		N/A		N/A		684	
Total Orders	N/A	N/A		N/A		N/A		711	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		69	
Transferred/Certified	N/A	N/A		N/A		N/A		133	
Review Not Accepted	N/A	N/A		N/A		N/A		86	
Other	N/A	N/A		N/A		N/A		469	
Total Rulings	N/A	N/A		N/A		N/A		757	
Other Decisions Term. Rvw <sup>3</sup>	N/A	N/A		N/A		N/A		185	
Total Orders/Rulings/Other <sup>4</sup>	1,481	1,198		1,243		1,549		1,653	
Total Resolved	1,618	1,320	-18.4%	1,371	3.9%	1,686	23.0%	1,797	6.6%
<b>PENDING AT YEAR END<sup>5</sup></b>									
Cases Stayed	27	21		18		49		58	
Cases Ready	9	6		5		13		34	
Cases Not Ready	179	160		541		633		696	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	271	339		6		4		7	
Set for Oral Argument	28	23		47		41		0	
Total Awaiting Hearing	514	549	6.8%	617	12.4%	740	19.9%	795	7.4%
Opinion/Order in Process	52	52	0.0%	47	-9.6%	56	19.1%	58	3.6%
Total Pending Decision	566	601	6.2%	664	10.5%	796	19.9%	853	7.2%
<b>MANDATED</b>									
Opinions	129	120	-7.0%	134	11.7%	135	0.7%	153	13.3%
Other	1,480	1,205	-18.6%	1,293	7.3%	1,546	19.6%	1,642	6.2%
Total Mandated	1,609	1,325	-17.7%	1,427	7.7%	1,681	17.8%	1,795	6.8%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases. As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>4</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>5</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity Trends, Cases from Trial Courts, 2001-2005

	2001	2002	% Chg <sup>4</sup>	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>
<b>FILINGS</b>									
Total Filings	118	146	23.7%	131	-10.3%	151	15.3%	132	-12.6%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	21	17		12		22		19	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		0	
Transferred/Certified	N/A	N/A		N/A		N/A		11	
Review Not Accepted	N/A	N/A		N/A		N/A		2	
Other	N/A	N/A		N/A		N/A		66	
Total Orders	N/A	N/A		N/A		N/A		79	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		9	
Transferred/Certified	N/A	N/A		N/A		N/A		0	
Review Not Accepted	N/A	N/A		N/A		N/A		1	
Other	N/A	N/A		N/A		N/A		10	
Total Rulings	N/A	N/A		N/A		N/A		20	
Other Decisions Term. Rvw	N/A	N/A		N/A		N/A		0	
Total Orders/Rulings/Other <sup>2</sup>	74	144		98		123		99	
Total Resolved	95	161	69.5%	110	-31.7%	145	31.8%	118	-18.6%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	2	0		4		2		7	
Cases Ready	2	0		1		7		5	
Cases Not Ready	56	46		45		47		58	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	4	1		8		3		0	
Total Awaiting Hearing	64	47	-26.6%	58	23.4%	59	1.7%	70	18.6%
Opinion/Order in Process	9	7	. %	9	. %	11	. %	12	. %
Total Pending Decision	73	54	-26.0%	67	24.1%	70	4.5%	82	17.1%
<b>MANDATED</b>									
Opinions	22	14	. %	15	. %	20	. %	23	. %
Other	73	141	93.2%	112	-20.6%	130	16.1%	97	-25.4%
Total Mandated	95	155	63.2%	127	-18.1%	150	18.1%	120	-20.0%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
Court Activity Trends, Cases from Court of Appeals, 2001-2005

	2001	2002	% Chg <sup>4</sup>	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>
<b>FILINGS</b>									
Total Filings	1,122	1,112	-0.9%	1,131	1.7%	1,214	7.3%	1,364	12.4%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	109	103		104		83		106	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		5	
Transferred/Certified	N/A	N/A		N/A		N/A		4	
Review Not Accepted	N/A	N/A		N/A		N/A		3	
Other	N/A	N/A		N/A		N/A		600	
Total Orders	N/A	N/A		N/A		N/A		612	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		38	
Transferred/Certified	N/A	N/A		N/A		N/A		6	
Review Not Accepted	N/A	N/A		N/A		N/A		79	
Other	N/A	N/A		N/A		N/A		443	
Total Rulings	N/A	N/A		N/A		N/A		566	
Other Decisions Term. Rvw	N/A	N/A		N/A		N/A		0	
Total Orders/Rulings/Other <sup>2</sup>	969	932		984		1,026		1,178	
Total Resolved	1,078	1,035	-4.0%	1,088	5.1%	1,109	1.9%	1,284	15.8%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	24	14		7		25		51	
Cases Ready	6	4		4		5		27	
Cases Not Ready	88	84		470		545		602	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	271	339		6		4		7	
Set for Oral Argument	23	22		29		34		0	
Total Awaiting Hearing	412	463	12.4%	516	11.4%	613	18.8%	687	12.1%
Opinion/Order in Process	43	42	-2.3%	35	-16.7%	42	20.0%	45	7.1%
Total Pending Decision	455	505	11.0%	551	9.1%	655	18.9%	732	11.8%
<b>MANDATED</b>									
Opinions	100	103	3.0%	107	3.9%	85	-20.6%	109	28.2%
Other	976	931	-4.6%	994	6.8%	1,023	2.9%	1,158	13.2%
Total Mandated	1,076	1,034	-3.9%	1,101	6.5%	1,108	0.6%	1,267	14.4%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
Court Activity Trends, Original Actions, 2001-2005

	2001	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>	2005	% Chg <sup>5</sup>
<b>FILINGS</b>									
Total Filings	174	121	-30.5%	127	5.0%	173	36.2%	164	-5.2%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	5	1		2		16		9	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		1	
Transferred/Certified	N/A	N/A		N/A		N/A		0	
Review Not Accepted	N/A	N/A		N/A		N/A		1	
Other	N/A	N/A		N/A		N/A		15	
Total Orders	N/A	N/A		N/A		N/A		17	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		20	
Transferred/Certified	N/A	N/A		N/A		N/A		127	
Review Not Accepted	N/A	N/A		N/A		N/A		6	
Other	N/A	N/A		N/A		N/A		16	
Total Rulings	N/A	N/A		N/A		N/A		169	
Other Decisions Term. Rvw	N/A	N/A		N/A		N/A		0	
Total Orders/Rulings/Other <sup>2</sup>	437	120		103		129		186	
Total Resolved <sup>4</sup>	442	121	-72.6%	105	-13.2%	145	38.1%	195	34.5%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	1	7		7		22		0	
Cases Ready	1	0		0		1		2	
Cases Not Ready	35	30		26		41		36	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	0	0		9		4		0	
Total Awaiting Hearing	37	37	0.0%	42	13.5%	68	61.9%	38	-44.1%
Opinion/Order in Process	0	1	. %	2	. %	2	. %	1	. %
Total Pending Decision	37	38	2.7%	44	15.8%	70	59.1%	39	-44.3%
<b>MANDATED</b>									
Opinions	7	2	. %	3	. %	14	. %	12	. %
Other <sup>4</sup>	429	132	-69.2%	134	1.5%	128	-4.5%	201	57.0%
Total Mandated	436	134	-69.3%	137	2.2%	142	3.6%	213	50.0%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298,12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>5</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court

Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2001-2005<sup>1</sup>

	2001	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>	2005	% Chg <sup>5</sup>
<b>FILINGS</b>									
Total Filings	241	159	-34.0%	99	-37.7%	139	40.4%	117	-15.8%
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	2	0		7		13		8	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		0	
Transferred/Certified	N/A	N/A		N/A		N/A		0	
Review Not Accepted	N/A	N/A		N/A		N/A		0	
Other	N/A	N/A		N/A		N/A		2	
Total Orders	N/A	N/A		N/A		N/A		2	
Decided on Merits	N/A	N/A		N/A		N/A		0	
Dismissed	N/A	N/A		N/A		N/A		2	
Transferred/Certified	N/A	N/A		N/A		N/A		0	
Review Not Accepted	N/A	N/A		N/A		N/A		0	
Other	N/A	N/A		N/A		N/A		0	
Total Rulings	N/A	N/A		N/A		N/A		2	
Other Decisions Term. Rvw <sup>3</sup>	N/A	N/A		N/A		N/A		185	
Total Orders/Rulings/Other <sup>4</sup>	0	2		57		271		189	
Total Resolved	2	2	. %	64	. %	284	343.8%	197	-30.6%
<b>PENDING AT YEAR END</b>									
Cases Stayed	N/A	N/A		N/A		N/A		N/A	
Cases Ready	N/A	N/A		N/A		N/A		N/A	
Cases Not Ready	N/A	N/A		N/A		N/A		N/A	
Set for Motion on Merits	N/A	N/A		N/A		N/A		N/A	
Set for Motion Calendar	N/A	N/A		N/A		N/A		N/A	
Set for Oral Argument	N/A	N/A		N/A		N/A		N/A	
Total Awaiting Hearing	N/A	N/A		N/A		N/A		N/A	
Opinion/Order in Process	N/A	N/A		N/A		N/A		N/A	
Total Pending Decision	N/A	N/A		N/A		N/A		N/A	
<b>MANDATED<sup>3</sup></b>									
Opinions	0	0	. %	6	. %	13	. %	8	. %
Other	0	1	. %	52	. %	265	409.6%	185	-30.2%
Total Mandated	0	1	. %	58	. %	278	379.3%	193	-30.6%

<sup>1</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is comparable only for 2003 and beyond.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review" and in "Mandated" counts.

<sup>4</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).